REMARKS

In accordance with the foregoing, claims 1, 8, 15 and 21 are amended and new claim 22 is presented. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims and new claim are respectfully requested.

Claims 1-22 are pending and under consideration. Reconsideration is requested.

Request For Withdrawal of Finality/ Issuing of Next Action as Non-final Action If Allowance Not Given

Applicant respectfully points out that Applicant had requested an interview with the Examiner to discuss and clarify patentable features of the present invention and how such features distinguish over the art currently relied on by the Examiner in accordance within guidelines set forth in MPEP §713.01 and filed in conjunction with a Request For Continued Examination (RCE) on April 21, 2007.

As set forth in MPEP 706.07(b) entitled Final Rejection, When Proper on First Action:

A request for an interview prior to first action on a continuing . . . application should ordinarily be granted.

Accordingly, it was the understanding of the Applicant that after filing of the RCE, the Examiner would grant the requested interview prior to issuing of an Office Action.

However, the first action after the filing of the RCE was, instead, the issuing of the current Final Office Action without the Applicant being given an opportunity for an interview.

Accordingly, in view of the above, Applicant respectfully submits that the current Action is incomplete and the finality is improper and request that if allowance of the present case is not found that the finality of the current Action be removed or the next action be a nonfinal Office Action.

Statement of Summary of Interview

An in-person interview was conducted between the Examiner's representative and the Examiner on August 14, 2007. Applicant thanks the Examiner for the opportunity to conduct the interview.

During the interview, the Applicants' representative discussed features of the present invention possible clarifications to the claims. The Examiner also discussed his concerns regarding the terms "timing" and "content."

Applicant respectfully points out that the Interview Summary, which was provided after the conduct of the interview, indicates that "Applicant will Amend the claims to overcome the

prior art."

Applicant submits, however, that the claims, before the amendments herein, overcame the prior art, and the amendments herein clarify the recited features.

Claim Amendments

Claim 1 is amended herein to recite a device including "a managing module creating an unread mail list containing a list of electronic mail that was unread at a certain first time based on the unread/already-read information, wherein the list of electronic mail in the created unread mail list is unchanged until a later second time even if an already-read condition of an electronic mail in the created unread mail list is fulfilled before the later second time; and a controller controlling a management of reading of the electronic mail contained in the created unread mail list." Claims 8 and 15 are similarly amended herein.

Support for the amendment is found, for example, in page 11, lines 6-7 and page 30, lines 9-13 of the specification.

Applicant also respectfully points out that claim 1, for example, as amended herein, addresses the Examiner's concerns discussed during the interview regarding the terms "timing" and "content."

Claim 21 is amended herein to correct a formality.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Traverse Of §102(b) Rejection

In item 2 of the Office Action, the Examiner rejects claims 1-6, 8-13 and 15-20 under 35 U.S.C. §102(b) as being anticipated by Bailey et al. (U.S.P. 5,835,084).

The rejection is traversed. Independent claim 1, as amended herein, recites a device including:

a) "a storing unit storing unread/already-read information corresponding to each of received electronic mails;" and

b) "a managing module creating an unread mail list containing a list of electronic mail that was unread at a certain first time based on the unread/already-read information," and

c "wherein the list of electronic mail in the created unread mail list is <u>unchanged until a later second time</u> even if an already-read condition of an electronic mail in the created unread mail list is fulfilled before the later second time (emphasis added);" and

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d) "a controller controlling a management of reading of the electronic mail contained in the created unread mail list." Claims 8 and 15 have a similar recitation.

As set forth in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Bailey does not support an anticipatory-type rejection by not describing features recited in at least the present application's independent claims 1, 8, and 15.

Bailey does not teach, for example, a device including a list of electronic mail in the created unread mail list is <u>unchanged</u> until a later second time <u>even if an already-read condition of an electronic mail in the created unread mail list is fulfilled</u> before the later second time, as recited by claims 1, 8, and 15.

Rather, Bailey teaches:

> An explicit action that causes the message to be marked as read occurs when the user explicitly opens the message (step 76). <u>If the message is opened</u> (i.e., the "yes" branch from step 76), the <u>user is assumed to be reading the message</u> and the mark_as_read flag is set to TRUE (step 78); otherwise, the flag remains FALSE. Other than this explicit action, there are other implicit heuristics which the computer monitors. <u>Any one</u> of these <u>implicit</u> heuristic conditions might be <u>sufficient to conclude that the user has in fact read the highlighted message.</u> One implicit heuristic is whether the <u>user has scrolled the message</u> while it is displayed in the preview pane (step 80). Scrolling evidences that the user has purposefully sought to view more of the message within the preview pane, thereby indicating that the user has read the message. If scrolling occurs, the mark_as_read flag is set to TRUE (step 78); otherwise, the flag remains FALSE. Another implicit heuristic is <u>whether the user has had sufficient opportunity to read the message in the preview pane</u> before highlighting another message or closing the message application. This implicit heuristic is accomplished by a two part test at steps 82 and 84. Essentially, the <u>user is presumed to have read the highlighted message if the entire message fits within the preview pane</u> (i.e., the "yes" branch from step 82) and the entire message remains visible for the selected time-out period (i.e., the "yes" branch from step 84). If both tests are met, the mark_as_read flag is set to TRUE (step 78); otherwise, the flag remains FALSE.

(see, for example, col. 5, lines 32-60).

That is, Bailey teaches that a message in an *arguendo* unread list is automatically changed to having been read if even any one of 1) the message is open, 2) the message is scrolled, 3) a "sufficient opportunity" was given to read the message in a preview pane, or 4) a message fits within a preview pane.

That is, Bailey, teaches away from " the created unread mail list is unchanged until a later second time even if an already-read condition of an electronic mail in the created unread mail list is fulfilled, as recited by claim 1, for example.

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Applicant also respectfully points out that claim 1, for example, as amended herein addresses the Examiner's concerns discussed during the interview regarding the terms "timing" and "content."

Summary

Since features recited by independent claims 1,8, and 15 (and respective dependent claims 2-6, 9-13 and 16-20) are not taught by Bailey the rejection should be withdrawn and claims 1-6, 8-13 and 15-20 allowed.

Traverse Of §103(a) Rejection

In item 3 of the Office Action, the Examiner rejects claims 7, 14 and 21 under 35 U.S.C. §103(a) as being unpatentable over Bailey in view of Kudoh et al. (U.S.P. 5,948,058). The rejection is traversed.

Dependent claim 7 recites a device "wherein said list is deleted on the basis of a request for an end of reading the electronic mail." Dependent claims 14 and 21 have similar recitations.

The Action concedes that Bailey does not teach "deleting message list on the basis of a request for an end (end command) for reading an electronic mail."

Applicant submits that the features recited by claims 7, 14, and 21 are not taught by even an *arguendo* combination of Bailey and Kudoh and that the Examiner's interpretation of Kudoh is not correct

The Examiner asserts that:

> Kudoh et al whose invention is about a system for cataloging and displaying emails, disclose deleting a message list (category of a classified electronic mail) on the basis of a request for an end of reading the electronic mail by a user . . . it would have been obvious . . . to modify Bailey to support mechanism of deleting a list of electronic mails for the flexibility of displaying electronic messages on a desktop and the advantage of improving storage space.

(Action at pages 9-10).

However, Applicant submits that Kudoh teaches:

> When the user operates the I/O device 270 to enter the category C (omitted) (step 3319), the classification rule preparing unit 260 collects all positive and negative rules which have the category C (omitted) in the conclusion part from the classification rule storage unit 220 (step 3320), and checks whether or not the electronic mail Mk can be classified into the category C (omitted) by using the existing classification rule (step 3321). When it is judged that the electronic mail Mk can not be classified into the category C (omitted), the category C (omitted) is deleted from the classification of the electronic mail Mk stored in the electronic mail storage unit 240 (step 3325). When it is judged that the electronic mail Mk can be classified into the category C (omitted) by the existing rule, the header information on the electronic mail Mk is extracted, and its list is

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shown to the user (step 3322). When the user operates the I/O device 270 to select information as the classification conditions from the list and enter it (step 3323), the classification rule preparing unit 260 prepares a negative rule with the header information selected by the user as the condition part and the category C (omitted) as the conclusion part, and adds to the negative rule storage part 222 (step 3324). And, the <u>category C (omitted) is deleted from the classification of the electronic mail Mk stored</u> in the electronic mail storage unit 240.

(emphasis added, see, for example, col. 28, line 55 to col. 29, line 13).

That is, Kudoh teaches either 1) the category, itself, is deleted from classifications or 2) messages having that category are not stored.

Kudoh, in combination in Bailey, does not teach deleting a <u>list</u> on the basis of a request for an end of reading the electronic mail, where the list is a "unread mail list containing a list of electronic mail that was unread at a certain first time based on the unread/already-read information."

Summary

Since features recited by dependent claims 7, 14 and 21 are not taught by the cited art even in combination, the rejection should be withdrawn and claims 7, 14, and 21 allowed.

New Claim

New claim 22 recites features of the present invention in a different fashion. New claim 22 recites a device for reading mail including "a storing unit storing unread/already-read information corresponding to each of received mails; a managing module creating an unread mail list of mail that was unread at a certain first time based on the unread/already-read information, wherein the list of mail in the created unread mail list is unchanged until a later second time even if an already-read condition of a mail in the created unread mail list is fulfilled before the later second time; and a controller controlling a management of reading of mail that is listed in the created unread mail list."

Support for new claim 22 is found, for example, in is found, for example, in page 11, lines 6-7 and page 30, lines 9-13 of the specification. These, and other, features of claim 22 are submitted to be allowable for the recitations therein.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _October 17, 2007_   By: _Paul W. Bobowiec_

Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501